

Senate Study Bill 3060 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

- 1 An Act relating to probate indigent defense fees and trial
- 2 transcript fees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.561, subsections 3 and 6, Code 2022,
2 are amended to read as follows:

3 3. If the respondent is entitled to representation and is
4 indigent or incapable of requesting counsel, the court shall
5 appoint an attorney to represent the respondent. The cost of
6 court appointed counsel for indigents, including the cost of
7 the trial transcript, shall be assessed against the county
8 in which the proceedings are pending. For the purposes of
9 this subsection, the court shall find a person is indigent if
10 the person's income and resources do not exceed one hundred
11 fifty percent of the federal poverty level or the person would
12 be unable to pay such costs without prejudicing the person's
13 financial ability to provide economic necessities for the
14 person or the person's dependents.

15 6. If the court determines that it would be in the
16 respondent's best interest to have legal representation
17 with respect to any proceedings in a guardianship or
18 conservatorship, the court may appoint an attorney to represent
19 the respondent at the expense of the respondent or the
20 respondent's estate, or if the respondent is indigent the cost
21 of the court appointed attorney, including the cost of the
22 trial transcript, shall be assessed against the county in which
23 the proceedings are pending.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill provides for the cost of a trial transcript to
28 be assessed against the county in which indigent probate
29 proceedings are pending or took place. Under current law, only
30 the cost of the court-appointed counsel is assessed against the
31 county and the respondent is responsible for the fee of the
32 trial transcript.